

## SAY SERGEANT STRUCK FIRST

Witnesses at Inquest Declare Biene Aggressor in Saloon Tragedy.

State ranger W. B. "Bill" Sands was under arrest and was being taken to the police station when he was struck by Sgt. W. Biene, of the provost guard prior to the tragedy that occurred in the Coney Island saloon Thursday afternoon, according to the testimony of Capt. Charles Bell, of the rangers, Saturday morning during the inquest in Justice J. M. Deaver's court. "I had hold of Sands, had him under arrest and we were going out of the saloon when he was stopped by the sergeant and who struck him with his club," said Bell, when questioned by assistant county attorneys W. H. Fryer and Frank Pentile.

**"Happened So Quick."**  
"But why did you not protect your prisoner, if he was under arrest?" inquired Mr. Pentile.  
"It all happened so quick, I did not know what was going to happen," said Bell.  
"What made you think that he was going to hit Sands?" asked Mr. Pentile.  
"Because he drew his club," replied Bell.

**Says Biene Struck Sands.**  
Bell testified that when he and Sands were going out of the front door of the saloon they were stopped by Sgt. Biene, who struck Sands in the face with his club. On being cross examined he stated that he had hold of the arm of Sands, but released him when the sergeant struck him. Bell's statement in part is as follows:

"I was in the Coney Island Thursday afternoon. Sands was there when I came in. He was drinking. When I came in there had already been some trouble. Sands had some trouble with a corporal while I was there and I put the corporal out at once. I did not see Sands hit the corporal. I returned Sands' gun to him, which Powers had taken.

**Sands Did Not Provoke Fight.**

"Then they called the provost guard and the police and Simpson came in to investigate it and Sands, Simpson and I went into a back room to talk it over. Sands and I started out of the saloon to go to the police station. Sands was in my custody under arrest in a way. Someone spoke to Sands and when I turned around the sergeant who was killed stopped Bill. The provost hit Sands with his club. Sands didn't do anything to the provost before he was hit. When Sands pulled his gun I stepped out of the way and shouted something.

"Bill did not shoot until the fellow hit him. I can't say where the first shot hit, both shots were fired as quick as they could be fired. The sergeant was falling when the second shot hit him. I did not see the sergeant attempt to use his gun, he was using his club.

**Says Sergeant "Tied In."**  
"When I gave Sands his gun I thought that everything was over. After the shooting I went to the station with Sands. I tied right into Bill. Sands staggered back toward the bar when he was hit and pulled his gun. The sergeant advanced as if he was going to hit him."

At the inquest, Friday, R. E. Adams, of Anthony, N. M., testified as follows: "I saw Sands pull his gun and level it at Sgt. Biene. The soldier reached for it and Sands shot."

**Says Sands Shot.**  
J. W. Brown, a bartender at the Coney Island saloon, testified: "I saw Biene enter the door on the San Francisco street side. He walked up to Sands and struck him on the head with

## NEW TRIALS REFUSED COLE

Notice of Appeal Filed in Behalf of Man Convicted in Street Car Case.

The motion of the defense for a new trial for J. W. Cole, convicted by a jury last week of complicity in the attack on a Highland Park street car on August 11, was refused Saturday morning by Judge Admire Pool, in the county court. Cole was released on \$500 bond, which was furnished soon after the court's ruling.

In the motion for a new trial the defense's lawyers, M. W. Stanton and Ponder S. Carter, placed on the stand three of the jurors who served in Cole's trial. An attempt was made to prove that they had been guilty of misconduct in the jury room by discussing the fact that the defense refused to put Cole on the stand. It was also contended that they had discussed other improper matters.

**Notice of Appeal Filed.**  
As soon as the motion of a new trial had been denied, the lawyers filed notice of an appeal to the criminal court of appeals. Two other of the street car strikers remain to be tried. A. B. Reynolds and C. E. Smith. Four of the cases were dismissed on motion of the state, while four witnesses who refused to testify against Cole were sentenced to one day in jail and to pay a \$100 fine by Judge Pool for contempt of court.

The jury's verdict found Cole guilty of unlawful assembly and fined him \$250. It has not yet been decided whether Smith or Reynolds will be the next man tried.

**GEN. BELL DENIES BIENE WAS AGGRESSOR IN TRAGEDY**  
"The military investigation over the death of Sgt. Biene was very careful, and it is not true that the sergeant was the aggressor in any way," said Gen. Geo. Bell, jr., commander of the El Paso military district. The affair was a cold-blooded murder, just as if I were to go out on the street and shoot the first man I met. There was no justification for it whatsoever.

**VICTIMS OF SHELTON LEFT CRASH REPORTED IMPROVING**  
Capt. W. D. Greer, of the police department, who was seriously injured in a freight elevator crash at the Hotel Sheldon Thursday night, was reported as resting easily at the Hotel Dieu shortly after 1 o'clock Saturday afternoon.

Lynn Hay, the 18-year-old youth who risked his life while aiding Capt. Greer and Sgt. Tom Armstrong, of the police, in their efforts to free his fellow employee of the hotel, who was caught between a truck and the ledge of the shaft, was also reported at the Hotel Dieu as doing well. Young Hay has been working at the Sheldon only a few months, having attended the El Paso high school last year. He lives with his mother, Mrs. Alice S. Cawthron, at 1401 North Kansas street.

Ochoa's condition is showing considerable improvement, according to a report given out late Saturday afternoon at the Providence hospital.

**To The Citizens of El Paso.**  
And, especially the Ladies: The new City Market is now open and ready for business.—Adv.

**Guns for Rent—Allen Arms and Cycle Co., 491 N. Oregon.—Adv.**

## CAWLEY MAY BE KILLED BY CAR

Steps From Behind Other Machine and Is Struck Down; Inquest Held.

As a result of internal injuries received when he was run down by an automobile at Piedras street and Alameda avenue, Sgt. Paul J. Tipton, of troop L, of the Eighth cavalry, died Friday night at 8:15 o'clock in the Robison hospital. Sgt. Tipton was rushed to the hospital in an automobile driven by Capt. Dean Halford, of the 23d infantry, who witnessed the accident.

J. D. Neat, whose automobile struck Tipton, stopped his car and came back to pick up the injured soldier, when Capt. Halford placed him in his car and drove to the hospital.

**Steps From Behind Other Auto.**  
According to witnesses of the accident, Sgt. Tipton stepped from the hind another automobile at the corner of Alameda avenue, when the car driven by Neat came down Piedras street, turned into Alameda, Tipton was only two or three feet from the other car when he was struck by the vehicle, and was hurled about three feet into the center of the street, it is said by witnesses. Capt. Halford, who was en route down Alameda avenue, immediately stopped his car and picked Tipton up.

**Neat Reports to Police.**  
Neat drove to the police station where he reported the affair and was released on his personal acquaintance to appear before Justice Deaver at 9 o'clock Saturday morning.

Sgt. Tipton was dressed in civilian clothes at the time, his identity being determined by papers found on his person. He was one of the best known soldiers of the Eighth cavalry regiment, and had a reputation of being an excellent shot with a rifle. Funeral arrangements have not been made.

**Inquest Held Saturday.**  
Four witnesses were examined and testimony taken in the inquest following the death of Sgt. Tipton, held in Justice J. M. Deaver's court Saturday morning. W. D. Dunn, of 121 Hawthorne street, who was riding in another automobile at the time of the accident, said:

"I was turning the corner of Piedras street and Alameda avenue, directly east toward Washington park. I was just around the corner when I saw the other car hit the man in the street. It was coming very fast, so fast that I had to put my foot on the throttle to increase my speed and get out of his way. I would judge that the car was going about 25 miles an hour. I heard the other car strike the deceased."

**Reports of Sgt. Tipton.**  
Capt. J. Sullivan, of company F, Ninth Massachusetts infantry, said: "I was in the car with Mr. Neat at the time of the accident. At the time we struck the man we were going about 12 or 14 miles an hour. I had been at the Lemp bar and was going to the automobile party. The deceased stepped out from behind the machine that was going in the other direction from us, and as he did he stepped in front of ours and we struck him. The car knocked him down and under the wheels. I felt the car go over him. I saw the car go over him. Mr. Neat slowed up the machine and stopped and got out."

**Charles Foley of Val Verde, testified:**  
"I was in the car driven by Mr. Neat. When we started to cross Piedras street after slowing up near the saloon, the man who was struck stepped there which was going crossways in the way we were going. A man stepped out from the side of the other car right in front of us. The left fender hit him."

**Railroad Man's Estimate.**  
J. L. Kile, of 719 El Paso street, who was also in the car with Neat at the time of the accident, testified: "We were going about 12 or 14 miles an hour. I have been a railroad man and I think I can judge speed. About half a block east of where the accident occurred I told Mr. Neat to slow down. I wanted to see Mr. Foster in the saloon there and he did slow down. I never saw the deceased until he stepped from behind the other machine."

## COL. GOODNIGHT TO STAGE A REAL BUFFALO HUNT

Goodnight, Texas, Sept. 22.—Col. Charles Goodnight, one of the central figures of pioneer Texas history and who has the only remaining herd of buffalo in the state, is planning a "buffalo barbecue" for a number of his early pioneer friends. In order that the people, generally, may have a glimpse of early day scenes, he has arranged to bring a band of Kiowa and Comanche Indians to his home and will get them to kill the buffalo in their original way.

The "hunt" will be staged in the large ranch adjoining his home, at Goodnight, and everybody will be permitted to see it. The herd of full blood buffalo will be seen and one of the largest bluffs will be killed. The Indians are very anxious for the event to take place as this is possibly the last chance they will have to see the "happy hunting grounds" forever.

This "hunt" will take place Friday afternoon, October 6, beginning at 5 o'clock. Trains on the Denver run as that people may come and leave the same day and get the full benefit of the hunt. Goodnight is on the Colorado-Gulf auto road and of easy access by automobile from every direction. An informal program will follow the "hunt," in which the visitors will be addressed by some of the old Texas pioneers and others.

Special invitations are out to the barbecue the next day, to which many of the prominent leaders of the state and a large number of pioneers have promised to come. Col. Goodnight has spent 71 years of active life on the frontier. Goodnight, Texas, has been one of the most prominent figures in their upbuilding.

He founded Goodnight college in his home town, which is doing a splendid work for education, especially among boys and girls who have the struggles and hardships of making their own way in the strictest economy.

## JONES REPRESENTS WILSON AT DEDICATION OF DAM

Washington, D. C., Sept. 22.—President Wilson has designated A. A. Jones, former assistant secretary of the Interior, as his special representative at the dedication of the great Elephant Butte dam in New Mexico. The president is expected to attend in person, but it is understood he has abandoned the plan. Secretary of the Interior Lane who had also planned to be present, does not expect to be able to go because of the prolonged sessions of the Mexican American commission, of which he is a member.

## ALKALI WATER Made Healthful and Pleasant

Half a teaspoonful of Borax Acid Phosphate to each glass neutralizes the ill effects of the alkali, making a pleasant and healthful tonic drink that refreshes and invigorates. Tones stomach and nerves.—Adv.

## A New Department.

The El Paso Piano company has installed a complete stock of Columbia Records so that purchasers of the American-Vocalion and others makes as well may be supplied at all times with the latest and best musical selections.—Advertisement.

Raw new roads. Central Market (formerly Arnold's). A. Milton Robinson, prop. Phone 360-562.—Adv.

## PEAK'S SOLDIER KILLED IN CAR

Believed Lumber Fell on Soldier of the 18th Infantry at E. P. & S. W.

Dewey S. Kelly, about 25 years old, of the 18th Pennsylvania infantry, was found dead in a box car of the El Paso and Southwestern railway near the shops Saturday afternoon at 1:15 o'clock.

It is believed that the soldier had crawled into the car to rest, and a pile of lumber, in the car, had fallen on him. The body is thought to have lain in the car two or three days. It was badly mangled. The corpse was found by three boys playing on the tracks.

The man's identity was disclosed by papers found on his person. The body was taken to Peak's undertaking parlors.

## SOLDIER'S BODY SENT BACK HOME

Las Cruces, N. M., Sept. 22.—The funeral of Fred J. McGibbon, a private of company H, 21st Michigan infantry, was held in the armory at 4:30 yesterday afternoon, and was conducted by W. M. Atkinson, chaplain of the 21st Michigan, assisted by Rev. A. E. Boyd, pastor of the local Baptist church. The front of the armory was draped with an immense flag. Over the casket also was draped a flag. The floral tributes were many and beautiful. Although the deceased was a stranger in Las Cruces, the funeral was largely attended, and the public generally showed sincere sympathy for the company in its loss of a member. Private Myers of company F left on the 10 o'clock train last night taking the company train to Fort Huachuca at Roswell, N. M., where a mother, sister and brothers reside.

Private McGibbon was in Michigan at work when the call came to come to the front and answered the call. He was about 25 years of age and a great favorite with his company. He met death near here on Wednesday night, being thrown from an army truck and had his neck and one leg broken, and the truck had evidently passed over his body.

## REMAINS OF MRS. DAVIS BROUGHT FROM COLUMBUS

F. H. Davis and sister-in-law, Mrs. Jennie Hammer, arrived Friday afternoon from Columbus, N. M., with the remains of Mrs. Davis, who died suddenly there Thursday afternoon. The remains are being held pending the arrival of Miss Dorothy Byrd English, daughter of Mrs. Davis, who is expected from Chicago Sunday afternoon. Mr. and Mrs. Davis had gone to Columbus on business, where she died suddenly on Thursday afternoon. E. W. Dorman, a brother of Mrs. Davis, arrived Friday afternoon from Tucuman, N. M., to attend the funeral.

The hour of the funeral was set today for 3 o'clock Sunday afternoon from Peak & Co's undertaking establishment. Rev. Perry J. Rice will conduct the funeral and interment will be in Concordia cemetery.

## MUCH INTEREST IN NEW COMPANY AT TEXAS GRAND

The early interest shown in the seat sale for the opening performance of the Audra Alden Players company at the Texas Grand theater, commencing tomorrow afternoon, in Jack Lait's morality play, "Help Wanted," presages a successful engagement, so manager J. P. Maxwell states.

For the past week the Texas street playhouse has been the scene of unusual activity both on the stage and in the auditorium, and when the theatre opens tomorrow there will be many appreciable surprises, though of a minor nature, awaiting them. Mr. Maxwell assures.

With good plays—many of them new to El Paso, although enjoying the reputation of successful New York runs—a competent, to handle the roles assigned them; capable direction and consistent staging, coupled with proper house management, there is good reason to expect that the stock would become a permanent institution in El Paso and people are anxious to see what the Alden players have to offer.

Four of the eleven members of the new company are well known in El Paso, having appeared here in past seasons under the management of Joe Glass.

It is stated that the second offering will be George Donah's musical comedy, "Forty-five Minutes From Broadway."

## TODAY'S AMUSEMENTS

### THEATRA BARA.

Quida's celebrated play "Under Two Flags" is the Alhambra offering today only, with the great Theda Bara taking the part of "Vivacret," the lovely daughter of the regiment. Miss Bara is greater than ever before in this production and enters into the spirit of the play with a naturalness and charm that is amazing. "Under Two Flags" has been produced on the stage many times, but no stage or screen production that has heretofore been seen will in any way compare with the portrayal given here by Miss Bara. Thrills and excitement abound in the production and the swift, sharp action and fire of a military camp run through the whole of it.—Adv.

### "THE PRETENDERS" TODAY.

The beautiful Emya Webber in "The Pretenders" today and tomorrow at the Unique is a most enjoyable and delightful picture in every respect. Renold Wolf and Channing Pollock are the authors, and the production was directed by George Baker, who has directed some of the best pictures ever shown. The public will find "The Pretenders" something different and out of the regular run of offerings. The shows start at 11:45 a. m.; 12:45 p. m.; 2:30, 4:30, 6:30, 8:15 and 9:30 p. m.—Adv.

### SATURDAY BILL ALWAYS GOOD.

The Bijou will show today "The Girl From Frisco." Don't miss this picture. It is a very fine picture and is another one of those good comedies will be shown also. Admission is Adults, 10c; children, 5c.

Stoney Bryant Washburn will be seen in a special release, "A Million For a Baby." Commendable work is done by William Lloyd and a cast of stars in this production. Regular price of admission will be charged.—Adv.

### FORD STERLING AT GRECIAN.

Ford Sterling in the new Keystone comedy, "His Wild Oats," will be shown at the Grecian today only. This picture failed to arrive yesterday but will positively be shown today. Keystone fans may rest assured that they will not be disappointed today.—Adv.

### MEXICAN WOMAN'S LEG IS CRUSHED BY SWITCH ENGINE

An unidentified Mexican woman, residing on South Santa Fe street, was seriously injured Saturday morning at the intersection of Santa Fe and Broadway by a switch engine of the Santa Fe railway at Santa Fe and Santa Fe streets. It is said that the woman attempted to cross in front of a moving freight car. Her right leg was severed above the ankle. She was removed to Hotel El Paso.

## A Very Personal Letter From a Very Important Lady

FROM THE RESIDENCE OF  
MADAM FASHION

El Paso, Tex., Sept. 23, 1916.

Mr. Good Clothes Wearer, El Paso, Texas.

Dear Old Sweetheart:—

I am giving a little affair at my home this week. Won't you please come? You know I count on you especially—as one of my ever faithful admirers.

My secretary, Geo. A. White, calls this week "Royal Reception Week" continued. But it is really—between you and I—my Fall "Coming Out Party" for my gentlemen friends. For it is my intention to show, without reserve or restraint, my latest charms and edicts in men's Tailoring for the coming Fall season.

The party is given in honor of the Royal Tailors of Chicago and New York, who have proven themselves, for decades, the best interpreters of my designs and creations for men in all America.

You will find here the most complete exhibition in this country of the latest fashions and fabrics for Fall suits and overcoats. Custom tailor woollens from the foremost foreign and domestic millers. Custom tailor fashion plates—designed by genius draftsmen under my personal direction.

Of course, these styles and fabrics are intended for made-to-your-measure clothes. I insist on that point. For my ideas are never executed to my fullest satisfaction and approval excepting in clothes that are made-to-measure.

And why indeed, shouldn't they be made to measure—when The Royal Tailors do it superbly at such comfortable prices—only \$18, \$20, \$25, \$30, \$35 up to \$45?

Do come, please! I'll promise you a perfectly enchanting time.

Eternally your  
Wardrobe affinity  
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P. S.—I almost forgot to mention that the affair will be held at Richard V. Pearson's, 110 Texas, as usual.

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## 20 VEGETABLE VENDORS ARRESTED NEAR MARKET

Twenty vendors of vegetables and fruit, stationed on the south side of Overland street across from the new Central market building, were arrested on charges of violating the city market ordinance Saturday morning by police sergeant Dan Thompson. All were released on bonds of \$1 each.

## NORTH CAROLINA TROOPS TO ENTRAIN FOR EL PASO

Washington, D. C., Sept. 22.—A detachment of North Carolina troops now in state mobilization camp, is expected to entrain tonight to take station at El Paso, Tex., pending trial in corporation court this afternoon.

## BELL-ANS Absolutely Removes Indigestion. One package proves it. 25c at all druggists

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